The Motion was adopted.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : We shall now take up clause-by-clause consideration of the Bill.

Clause 2 and 3 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill

SHRI SANTOSH MOHAN DEV : Sir, I move :

"That the Bill be passed."

The question was put and the Motion was adopted.

WATER (PREVENTION AND CONTROL OF POLLUTION) AMENDMENT, BILL 1988.

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI Z. R. ANSARI). Sir, I beg to move :

"That the Bill to amend the Water (Prevention and Control of Pollution) Act, 1974, as passed by the Lok Sabha, be taken into consideration."

As the Hon'ble Members are aware, the Water (Prevention and Control of Pollution) Act, 1974 is meant to ensure the prevention and control of water pollution. The power to legislate on water rests with the State legislatures under entry 17 of the list II, State List. Therefore in order to enable the Parliament to make a law in regard to water, the State Legislatures of twelve States passed the necessary rsolutions under Article 252(1) of the Constitution. The Parliament passed the Water (Prevention and Control of Pollution) Act, 1974 and many other States later adopted the Act by passing resolutions under Article 252(1) of the Constituion.

This Act has been amended in 1978 to remove certain lacunae after following the procedure under Article 252(2) of the Constitution.

Subsequently, a number of administrative and practical difficulties in the implementation of the Act have been brought to the notice of the Government by the State Governments and Central and State Boards for Prevention and Control of Water Pollution. The issues in this regard have been examined thoroughly by the Government in consultation with the States, the State Boards, the Central Board and the concenred Central Departments. Taking into account their suggestions, certain amendments in the Act have been proposed. I would like to explain the main features of these amendments.

The definition of "occupier" is proposed to be amended on the lines of the definition in the Environment (Protection) Act, 1986.

From the practical experience of the implementation, it is considered desirable to empower the Central Board to exercise the powers and to perform the functions of a State Board in a State for a specified period for specific purposes, in circumstances such as persistent default by a State Board in complying with any direction issued by the Central Board under 18, as a consequence of which default a grave emergency has arisen or is likely to arise. This would, however, be without prejudice to the normal functioning of the State Boards in areas other than those taken over by the Central Board for a specified period.

At present, a person is required to obtain consent from the Board concerned only when he brings into use an outlet or begins to discharge effluents. In order to ensure pollution control measures even at the stage of establishment of a plant, it is proposed to make it obligatory to obtain consent even while establishing industrial plants.

Though the implementation of the Act is the responsibility of the Central and State Governments and the Boards, public cooperation is essential to effectively implement the Act. The Hon'ble Members are aware that the Environment (Protection) Act, 1986 and the recently enacted Air (Prevention and Control of Pollution) Amendment Act, 1987 provide the right to any citizen to file a complaint before a competent court regarding violation of the provisions of those Acts. It is proposed to

make a similar provision in the Water (Prevention and Control of Pollution) Act, 1974. The Hon'ble Members may notice that a provision is being added to provide for the Boards to furnish all relevant information in their possession, subject to certain safeguards, to the complainant. It is the intention of Government to facilitate the detection of pollution and punishment of the polluters. This provision will also keep the official agencies alert about their responsibilities. An identical provision has been incorporated in the Air Amendment Act, 1987.

Inspite of the powers given to the Boards to take penal action, pollution continues due to delays in prosecution. The Hon'ble Members are aware that the Environment (Protection) Act, 1986 and the Air (Prevention and Control of Pollution) Amendment Act, 1987 have identical provisions empowering the Central Government and the State Boards, respectively, to issue directions to any person, officer or any authority. This power includes the power to direct the closure, prohibition or regulation of any industry, operation or process, or stoppage or regulation of the supply of electricity, water or any other service. It is proposed that similar powers be given to the Boards under the Water Act to effectively and immediately prevent and control the pollution of water.

The penalties for violation of the provisions of the Water Act, at present, do not have a deterrent effect. The Air Amendment Act, 1987 provides for stringent penalities for violating the provisions of the Act. It is proposed to similarly enhance the penal provisions in the Water Act.

As the Hon'ble Members are aware, the Central and State Boards do not have adequate resources at present for proper discharge of their duties. Their only source of funds is by way of gifts, grants, donations, benefactions and fees. The Cess collected annually under the Water (Prevention and Control of Pollution Cess) Act, 1977 is being distributed to the State Boards by the Central Government. In addition, the Central Government has initiated a scheme to assist State Boards to strengthen their technical staff and laboratory infrastructure. Sixteen State Boards have been so far assisted with a grant of Rs. 2.62 crores. We propose to continue the scheme during the Seventh Plan. However, such funding may not be enough to fund all the requirements of the Boards. It is, therefore, proposed that the Boards be empowered to augment their finances from sources such as loans, bonds debentures, etc.

Hon'ble Members have often pointed out the need for much stricter implementation of the laws in order to effectively control pollution. In accordance with the wishes of the Parliament, the Government have, over the past one year, significantly tightened the implementation of the laws. The number of prosecutions launched under the Water (Prevention and Control of Pollution), 1974 against the defaulting units was 978 in the 13 years since the enactment of this law. Last year alone 1005 cases were launched under this Act. 218 prosecutions were launched under the Air (Prevention and Control of Pollution) Act, 1981 last year as compared to the 131 prosecutions launched in the six years since the enactment of this law. Effective use has been made of the powers given to the Government under the Environment (Protection) Act, 1986.

The industries, which are essential for national development, should be allowed time to fall in with the new tight environmental standards, but environmental health is of paramount importance. Taking into account the overall national interest, this Government will pursue the path of the golden mean by ensuring environmental health while promoting national economic progress through development.

Sir, the amendment Bill has been drafted after extensive consultations with the States, the State Boards, the concerned Central Departments and the Central Board. The objective of these amendments is to strengthen the legal and institutional framework and to enlist public cooperation in effective-

[Shri Z. R. Ansari]

ly implementing the law. I am sure the Hon'ble Members will support this Amendment Bill. I am confident that the Government would be able to protect the quality of water more effectively with the help of the proposed amendments in the Act.

Sir, with these few words, I commend the Bill for the consideration of this august House.

The question was proposed.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Mr. Vithalrao Jadhav, you can take your own time.

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): Mr. Vice-Chairman, Sir, I rise to support this Bill. The Bill that the hon. Minister has brought before this House is a very important Bill, that is what I feel, because as the Hon Minister has stated 12 States have already passed this Bill and an Act has been amended in 1978 and the States which have not passed this Bill, they are also in the process of passing a resolution under clause (1) of article 250, of the Constitution, read with clause (2), there also a resolution has been passed by the Legislative Assemblies of Himachal Pradesh and Tripura, to the effect that the State Act should be amended by the Act of Parliament, for the purpose hereinafter appearing.

Through this Bill, the Water (Prevention and Control of Pollution) Amendment Bill, 1988, the Hon. Minister wants to bring discipline in the pollution system. Actually, pollution is the greatest threat to our national health, not only human beings but all the biological life. Sir, before coming to the main speech, I would like to state that regarding amendment of section 5 it has been given in the Bill that in section 5 of the principal Act, in sub-section (7), for the words "shall not be eligible for renomination for more than two terms", the words "shall be eligible for renomination" shall be substituted. The Hon. Minister has made the provision of appointment of the member-secretary of this board and for this previously the member-secretary was to be appointed for two terms. By this Bill there won't be any limit for the number of times that a member-secretary is appointed and that is why the words "shall be eligible for renomination" have been substituted. That means that he can be appointed for more than two terms. This is a clear indication of this Bill.

Another salient feature is that in the amendment of section 27 it has been stated that a State Board shall not grant its consent under sub-section (4) of section 25 for the establishment of any industry, operation or process, or treatment and disposal system or extension or addition thereto, or to the bringing into use of a new or altered outlet unless the industry, operation, process, or treatment and disposal system or extension or addition thereto or the outlet is so established as to comply with any conditions imposed by the Board to enable it to exercise its right to take samples of the effluent. I would like to tell the Hon. Minister that so far as an industry which is in process is concerned, it is all right, but what about the industry which is not working at all? And there is pollution by other means. What action are you going to take there? It is not clear from this section.

Another thing is the substitution of section 41 by a new section. Section 41(1) states that whoever fails to comply with any direction given under sub-section (2) or sub-section (3) of section 20 within such time as may be specified in the direction shall, on conviction, be punishable with imprisonment for a term which may extend to three months. In the previous Bill there was a provision of conviction for 15 days. Now in this Bill they have made the conviction period as three months. What I feel is that this period is very less, because pollution is such a vital problem in India. Sir, actually the real problem in India is the problem of pollution, pollution by air, pollution by water and pollution by food. Pollution word itself has been evolved from the word solution. Any solution of two things or two chemicals, either hazardous or useful, when the solution takes place, then pollution also takes its birth.

From that point of view, water pollution is the root cause of all diseases. As you know, most of the human diseases are water-born diseases. There are very few air-born diseases. Right from the days of independence, or even before that also—I was not born—water pollution was a problem facing us; there was the problem of supplying good drinking water to villages or urban areas. And that is a problem everywhere. But till today we are not able to supply good drinking water. That is one aspect.

The second aspect on pollution is, there is no discipline in human behaviour and there is no discipline in the animal behaviour. By mixing some raw water or polluted water with good water, you create a storehouse for regeneration of mosquitoes and regeneration of poisonous organism giving birth to various diseases. Water pollution mostly is predominant in urban areas. You go to old Delhi; you go to gallis and kuchas of old Delhi and you will find dirty water flowing in the streets. Small children are playing there. People throw dirt on the streets. Same thing you find in Bombay. Though we want to discipline the urban life to the maximum extent, but unless people are educated about pollution about the behaviour and the manner of livelihood, this problem of pollution cannot be controlled.

Hon. Minister will agree with me that in our educational system, we have not included lesson on pollution. What type of guidance are we going to impart to our younger generations by our educational system? We teach science to our students. But just teaching these subjects on science or very highly technical sciences, our programme will not be completed unless we teach them how pollution takes place and which process is responsible for pollution in human life. That is very important.

My next point is water pollution by industry. Sir, you have a better experience than myself about it.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): I had this portfolio in Maharashtra.

SHRI VITHALRAO MADHAVRAO JADHAV: You were the administrator in Maharashtra. Once or twice a month I come to Bombay from my village. As I reach Bombay, bad smell also starts coming, and when we come to Nariman Point, this bad smell is the maximum. That is the most luxurious area; it is known as the New York of India where we have multi-storeyed buildings. We go there for a walk and we go with the feeling that at the Nariman Point we would get a good sea breeze. But we get a foul smell. The whole sea there is polluted. We take only temporary measures against diseases. But we do not see the root cause of all these diseases. If we are able to tackle the problem of water pollution, we would be taking a permanent measure to solve this problem. And the solution lies in eradicating water pollution from urban areas, whether it is pollution in sea water or river water or pollution on the banks or elsewhere. I would like to know what are the measures Government would take to eradicate this pollution from all the metropolitan cities. Bombay, Delhi, Calcutta or Madras, and what is your answer to sea pollution. Though sea pollution may not be hazardous to human life, but it is dangerous to all biological life in the sea. So much of fish and other precious animals in the sea are totally destroyed. We have known of several instances of Bombay sea when large amount of fish died because of pollution just within two or three kilometres from the shore. What are we going to do? This is very important. Pollution is not confined only to the sea. It has affected rivers also.

In this connection, I welcome the Ganga cleaning scheme. It is a very good scheme. I congratulate our hon. Prime Minister on this. It is for the first time in the history of India, it is for the first time after Independence, that such a scheme has been taken up. Sir, Ganges is the holiest of our rivers. It is the most sacred for Indians.

[Shri V. M. Jadhav]

But what do we see? I have seen in Patna and other places. Half-burnt bodies are thrown into the river. The position has deteriorated to such an extent that if you drink a small cup of Ganges water, the next day you will fall sick. This is the position. Of course, the project in regard to cleaning of the Ganges has been taken up. The sase thing in regard to Yamuna also. It has been declared that after Ganges, the project in regard to cleaning of Yamuna will be taken up.

Sir, it is not a question of cleaning of the Ganges or the Yamuna alone. In the southern part, there are big rivers like the Godavari, Krishna, Cauvery and there is also the Narmada. I reside on the banks of the Godavari. My place is Nanded. There are many famous *ghats* on the banks of the river Godavari like the Nagina Ghat, Shikar Ghat where Guru Gobind Singh used to go for shikar, etc. Pollution has increased to such an extent that we cannot drink even a drop of water. The same river is completely polluted. The same thing I have seen at Sangli and Kolhapur. The same thing I have seen in regard to Cauvery. Therefore, cleaning of the Ganges is not enough. Cleaning of the Yamuna is not enough. You should evolve a permanent system for keeping the rivers clean.

I remember, when I was a Member of the Consultative Committee of the Department of Science and Technology, some four years back, when Shrimati Indira Gandhi was dealing with the subject, I made a suggestion that on both sides of all the major rivers, for about hundred metre trees should be planted. This would help prevent pollution from spreading to the rivers. Also, by this, soil erosion can be stopped and there will be soil conservation. This is because the botanical life of the trees is such that they take whatever is bad and give out good things. They suck Carbon and leave Oxygen. This is the process of respiration of trees and plants. Therefore, we should evolve a permanent solution to avoid pollution in the major rivers of our country.

Water, air and food pollution are dependent on each other. Pollution does not take place only through water. Pollution does not take place only through air. Two chemicals will be pure independently. But when there is a mixture, pollution takes place. Therefore, we must see that purity is maintained.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir) : Water and milk are pure by themselves. But there is pollution by way of adulteration when the two are mixed.

SHRI VITHALRAO MADHAVRAO JADHAV : Yes. When the two are mixed together, there is bacterial growth later on and this is hazardous to human life.

Another point is in regard to the installation of purification plants in major and medium industries. Government must make it compulsory on all industries that they should instal purification plants so that the water that flows out is pure.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : It is there already. But it is not implemented properly.

SHRI VITHALRAO MADHAVRAO JADHAV : I fully agree with you. The question of implementation is very important. It is in the process of implementation corruption takes place and it should be eradicated. Unless this is done, the problem of pollution will remain. Corruption is the rootcause of this problem. Man, by nature, is corrupt. But up to what extent man should be corrupt.....

THE VICE-CHAIRMAN (SHRI JAGESH Desai) : Do not say like that.

SHRI VITHALRAO MADHAVRAO JADHAV : I am saying this scientifically. While going on the street if a man spits on the road, he is violating the rules and that is my definition of corruption. Corruption is not just taking some money or stealing some money, disturbing other man's life is also corruption. By nature if a man is behaving 10 per cent better, he is not corrupt, but if he violates the manners and etiquettes, then he is corrupt So, that is my definition of corruption.

Now, you will find that there are no toilets in rural areas. People go for a morning walk and in the field they sit. When there are heavy rains, they do not find place in the fields and sit in some prohibited areas. This is also responsible for creating pollution. So, it is our responsible to provide all the amenities in rural areas also. The crops also get damaged. So, these are the things which the hon. Minister should look into to eradicate pollution from our day-to-day life. Pollution disturbs the life system itself. Sometimes it spreads several diseases. It should be the first and foremost task of the Government to eradicate pollution. Let us resolve that by 2000 AD, while entering into the 21st century we will be free from air pollution, water pollution and all other pollutions created by motor vehicles by emitting smoke, etc. Our policy should be to eradicate all types of pollution by the time we enter into the 21st century.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : He has given you full 12 years to implement your policy.

SHRI GHULAM RASOOL MATTO : Mr. Vice-Chairman, Sir, there can be no two opinions that the hazards of water pollution are as great as that of the air pollution. While bringing forward the Water (Prevention and control of Pollution) Amendment Bill, 1988, the Minister has done the right thing. I will not discuss what other speakers have said about pollution in general, I will only go to a few technical points raised in the Bill.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : Do not be too technical.

SHRI GHULAM RASOOL MATTO : It will call it 'general technical'.

In paragraph 2 of the Statement of Objects and Reasons it is stated that the State Legislatures of Himachal Pradesh, Manipur and Tripura have passed resolutions under article 252(2) of the Constitution authorising the Parliament to amend the provisions of the Water Act to give effect to those amendments. My question is, whether this meets the requirements of the Constitution, whether consent of three States is sufficient or it needs the consent of more than three States to meet the requirements of the Constitutional provision. I would request the Minister to clarify this point.

My main point is with regard to paragraph 3, sub-clause (ii) of the Statement of Objects and Reasons. I would request the hon. Minister to be cautious while implementing the provisions of this Bill. This is a Concurrent List subject and Centre-State relations are involved. What is said in paragraph 3, sub-clause (ii) ?

"The Central Board is proposed to be empowered to exercise the powers and perform the functions of the State Board in specific situations, particularly when a State Board fails to act and comply with the directions issued by the Central Board"

I would have liked the hon. Minister to be very cautious about it. I can understand it and I agree with him that if the State Board fails to act and comply with the directions issued by the Central Board, the Central Board should be empowered to exercise the powers and perform the functions of the State Board. This is all right. But if it is generalised, as it is stated "the State Board in specific situations", although it is qualified by the words "particularly when the State Board fails to act and comply...", I think there should be a specific provision that only when the State Board fails to comply with the directions issued by the Central Board, then and then alone the Central Board will intervene and in no other situation should the Central Board intervene and take on the job of the State Board. This needs to be clarified and I would request the hon. Minister to enlighten me on this subject.

Then under clause 3(v) of the Statement of Objects and Reasons it is mentioned :

[SHRI GHULAM RASOOL MATTO]

"In order to elicit public cooperation, it is proposed that any person should be able to complain to the courts regarding violations of the provisions of the Act after giving a notice of sixty days to the concerned Board or the officer authorised in this behalf."

Now there is an element of harassment in this. Although the safety clause of sixty days is there, I would request the hon. Minister to ensure one thing. Because an individual can complain to the courts regarding violations of the provisions of the Act, if a particular individual has some grouse against that particular organisation or whatever it is against whom he is going to the court, it should be ensured that this harassment is not there. In the safety clause you have provided a period of sixty days. So within sixty days the State Board should be able to tell the Central Board, if a complaint of this nature comes directly to the State Board from an individual—because that individual has to wait for sixty days before he goes to the court. The State Board must be told that they should report to the Central Board immediately so that the Central Board also takes cognizance of this issue and sees that any kind of harassment is not there. Conversely if a particular person reports directly to the Central Board about violations in a State, the Central Board should also tell the State Board so that the element of harassment is not there. This assurance should be there.

Then it is proposed to empower Boards to give directions to any person, officer or authority including the power to direct closure or regulation of offending industry, operation or process or stoppage or regulation of supply of services such as water and electricity. This power also should not be exercised by the State Board without the consultation of the Central Board.

These are my few obervations and suggestions and I would request the Hon. Minister to react to these. With these words, I support this Bill. This is a very good Bill and this needs to be passed immediately.

PROF. (MRS.) ASIMA CHATTERJEE (Nominated) : Mr. Vice-Chairman, Sir, this Bill for further amendment of the Water (Prevention and Control of Pollution) Act, 1974, has been placed before this august House for consideration. I welcome this Bill because for the very survival, water pollution control measures are to be strictly enforced.

Multi-pronged efforts are being made by the Government to control water pollution, but unless mass awareness is created, this is my apprehension that the Pollution Control Act is not going to be effective and this piece of legislation presented before us cannot be effecively implemented.

The effluence from the industries, the garbage from the cities, radioactive wastes and other toxic substances are dumped into water. This not only pollutes water but pollutes it to such an extent that the pollutants kill fishes, marine animals, aqueous plants which utilize many materials which are poisonous to human systems but not injurious to them Many seaweeds and marine animals produce a number of useful chemicals which are utilized for the porduction of valuable medicines or their intermediaries. For example, in Oklahoma in the USA, from Gorgonian species growing in sea water, R-Prostaglandin is produced, and this is converted into S-prostaglandin by by suitable chemical orintation which is extenively used by clinicians. Recently, in Japan, radioactive fishes, hilsas, which are known as shads, have been caught. The people there have been made alert about this. Some of these fishes have reached the sea coast of Bangladesh and hence strict measures are to be taken by the Government here to make the people alert so that they may not consume these

fishes. Therefore, it is extremely important that strict vigilance should be there to see that radioactive wastes, sulphur compounds which produce sulphuated hydrogen besides other toxic materials, must not be thrown into streams, rivers and the seas. For this purpose, better coordination with the State Governments is necessary. Also, better coorlination is necessary among the various Government agencies if pollution is to be effectively controlled.

Sir, 70 per cent of the water pollution, as stated by the honourable Minister in the other House, is because of the municipal waste. Therefore, it is necessary to coordinate among the departments of Urban Development, Municipal Corporations and Municipal Boards for taking care of the water pollution In this context, the programme on Ganga Action Plan under the Central Ganga Authority, for which adequate funds have been provided by the Central Government, deserves special mention. Although the Central Government has provided a sum of Rs. 294 crores for research and detailed studies, I feel that adequate progress has not been made. Rather, the progress is discouraging. This needs detailed investigation and monitoring so that the progress may be satisfactory.

Sir, the Government must be congratulated because they have already studied 14 rivers for controlling their pollution, and a similar Action Plan will be taken up in future when adequate funds will be made available. The most polluted rivers in the world are Ganga and Yamuna. Serious efforts should be made to wipe out pollution, as far as practicable, keeping in view that steps have already been taken for inland water transport. That is also very important.

Sir, I suggest to the honourable Minister that some of our scientists should go abroad, particularly to Germany, to study the river Rhine, which is rendering service not only to Germany but to several other European countries by interconnecting different cities-how it has been kept perfectly free from pollution. Still the Government there is seriously thinking of making it free from any further pollution in the future, about which they are very much worried.

Now, Sir, the State Pollution Control Boards should function more efficiently and speedily. For this purpose, the Central Pollution Control Board is requested to look into the matter, to look into their specific problems, whether they lack infrastructure, technical manpower, laboratories or motivation. The Pollutors should be penalised under the Environmental Protection Act. The factories which violate the Water Pollution Control Act, should be closed down and penalised.

Pollution causes ecological imbalance which will develop a serious problem in the protection of environment.

As I mentioned, public awareness regarding water pollution is necessary for which awareness programmes are to be implemented. Specially the youths, the womenfolk and other sections not much familiar about water pollution, muct participate in such programmes to have knowledge about the serious consequences of water pollution. For rural masses in remote areas I think that mass media should be applied as far as possible, particularly TV, highlighting the grave consequences of pollution causing not only health hazards but causing ecological imbalance and destruction of the environment. Therefore, bold steps are to be taken to control water pollution. Otherwise, the question of survival will be there.

[PROF. (MRS.) ASIMA CHATTERJEE] In this context, this piece of legislation is very important. I, therefore, support this Bill, and I would request the hon. Minister to study the various problems, the water pollution problems which are being studied abroad, for example, in Germany on the river Rhine and also on rivers in the USA, and on Danube and other rivers in the Soviet Union. There is pure air in the Soviet Union. When I asked them how they had kept water and air free from pollution, they said, "We have grown some trees which can absorb pollutants, and, therefore, the air is fee from pollution." Similar steps have also been taken regarding water, by preventing the people from throwing any garbage or anything in water. They burn the garbage. That system is not followed in our country. In all the European countries they burn the garbage in the back lawn. At least if this process is followed, it will be possible for us to keep water free from pollution to a great extent.

With these few words, I conclude, and I support the Bill. Thank you.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : Mr. Minister, before I ask you to speak, I would like to request you to read one book. That is "Development and Taxation" You will get much material for prevention of pollution. That book is in the Library. Please read it.

SHRI Z. R. ANSARI : Mr. Vice-Chairman, Sir, I am thankful to the hon. Members for the all-round support to this important legislation. I am especially thankful to Mrs. Chatterjee who has, as a matter of fact, pleaded most strongly the cause of pollution control.

Sir, a few points have been raised, and I just want to react to those few points.

Before I just say something in reply to the points raised by the hon. Members, I wish to convey this thing that the pollution control meaure is a multi-pronged effort which has to be made. Merely passing of any legislation or merely strengthening our laws will not have the desired effect of prevention and control of pollution. We require awareness amongst the people of what is pollution, how it is affecting our life, how it is dangerous and hazardous to the very existence of the life on earth. There should be awareness, involvement of the people, proper studies, scientific studies of the problems of pollution. It may be air pollution or it may be water pollution.

And also for strengthening the machinery for implementation of these laws—whatever laws are there and whatever standards have been prescribed for strict implementation of those standards—a well equipped infrastructure and well-educated personnel with scientific temper are required.

As a matter of fact, through this legislation we have tried two things. In the Prevention and Control of Air Pollution Act, the punishment was not very stringent. Therefore, it did not have the desired effect. So, to make it effective, stringent punishments have been provided in it and it has been brought at par with the Environment Protection Act in which these stringent punishments have already been provided. We have provided those stringent punishments in this Bill also.

Through this amendment we have done two or three things. We have provided rather deterrent punishment. We have strengthened the machinery by establishing Pollution Control Boards so as to provide it a better infrastructure to implement those provisions. We have provided financial back-up to these Boards. We have made a provision for involving the people by way of allowing them to make a complaint in a court of law if this machinery—whether it is the State Pollution control Board or the Central Pollution Control Board does not discharge its duties earnestly. In such a situation every individual of this country

a right to go to the court against the pollutor. Only one requirement is there that the Pollution Control Board, the authority which is under the law required to take care of the prevention and control of pollution should be given sixty-days' notice. And if within the sixty days the Pollution Control Board does not come forward with a specific complaint in the court, then the private individual shall be entitled to go to the court and the State or the Central Pollution Control Board shall be obliged to provide all such information which is relevant to the private complaint. In this way we have tried to involve the people there.

A very relevant question has been raised regarding awarness and education. It is a long process.

SHRI VITHALRAO MADHAVRAO JADHAV : Nothing is there in the education system.

SHRI Z. R. ANSARI : Environment protection is a comparotively new subject. In the New Education Policy it has been provided that at every stage in the schools and colleges there should be some lessons on environment protection and pollution control. The lessons will provide general education on ecology.

SHRI VITHALRAO MADHAVRAO JADHAV : There are two lessons on environment, but there is nothing on pollution.

5.00 P.M

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : They must have suggested.

SHRI Z. R. ANSARI : Sir, the word "environment" is a wider term and pollution is the one thing which disturbs the environment. I think that while books are written according to the new education policy, care should be taken to include lessons to this effect, what is pollution, how it is affecting our lives ?

Mr. Jadhav has said that under section 41(i) the punishment is not adequate. Sir, for the violation of the Water Act, there are two types of punishment provided. One punishment is for minor violation that is for three months. The other is in case of major violation, the minimum punishment is 1-1|2 years and it may go up to six years. I think, this will have a deterrent effect on those persons who are not taking care of the pollution control.

Mr. Jadhav and other Members while appreciating the Ganga Action Plan which has been launched by our Prime Minister have pleaded for taking up other rivers also for cleaning. Sir, the Ganga Action Plan, many times I have said in this House in reply to the questions that it is the first experiment and it is not the last. It is the first experiment that we have taken up with regard to the mightiest river of India and full studies have been made and pollution control measures are being taken to clean the river Ganga right from Hardwar to Calcutta. Now, Sir, Yamuna is also one of those rivers. Besides these, there are other rivers like Krishna, Godavari, Cauvery also for cleaning. As has been pointed out by Prof. Asima Chatterjee, a study has been made of fourteen major rivers and the status of water at different streches has been made, at what stretch the water is potable, at what stretch bathing can be taken, at what stretch conventional treatment can be used for drinking water purposes. We shall be very happy to take up all those rivers but it is a question of financial resources. We are committed to cleaning these rivers to provide safe drinking water. The Ganga Action Plan will provide us some experience. With the financial resources and also with the experience that we gain in the implementation of the Ganga Action Plan, I think, this country will take up one river after the other in the subsequent Plans and I hope that this experience will be useful while taking up other projects. In the meanwhile, the State Governments are taking some steps. The Union Territory of Delhi has some schemes for cleaning the Yamuna for diverting the sewage and for treating the sewage. The U.P. Government has some plans for cleaning the stretch at Mathura and Agra. So,

these steps at the State level are being taken by the State Governments.

Prof. (Mrs.) Asima Chatterjee has rightly said that radioactive and hazardous substances should not be put in the river streams. We are very much conscious about the pollution in this area, how the acquatic life is being affected, how the pollution is being created in seas. So, Sir, this is the law which is having some deterrent effect on the agencies and on those organisations which are polluting the rivers.

As far as industries are concerned, although 75 per cent of the pollution in the rivers is because of the municipal wastes, garbage and other things, 25 per cent of the pollution which is being created by industries is more hazardous because it kills the acquatic life and it creates much more problem than the municipal wastes. So, Sir, we are having all steps possible and some stringent action has been proposed here for the closure of those industries, for stopping the water and electricity supply.

Mr. Matto has gone into some technicalities. That is, the State Pollution Control Board is to inform the Central Pollution Control Board. Those are the technicalities which will be taken care of. As far as the State Government is concerned, Sir, we have brought this law on the specific resolution of the States, which is the constitutional requirement and we know that water is a State subject and that is why, prior resolutions have been passed by the two States and the other States will adopt the law because it is so beneficial to them.

As far as the taking up of the powers of the States by the Central Pollution Control Board is concerned, Sir, the Central Pollution Control Board or the Central Government does not want to take the powers of the State Pollution Control Boards. Sir, we have to act in harmony, in cooperation with the State Governments and the State Pollution Control Boards. We do not want to overburden ourselves or overburden our Central Pollution Control Board with all the powers of all the State Pollution Control Boards. Therefore, we have very cautiously worded this provision that only in those areas where there are complaints that State Pollution Control Board is not acting in spite of the directions, in spite of the gross pollution, then only for that specific area, for that specific purpose, the Central Pollution Control Board shall be empowered to have the powers for a limited purpose, for a limited time. This is what we want and if you will leave this whole thing only to the States, Sir. . . . (Interruption).

SHRI GHULAM RASOOL MATTO :

Mr. Minister, I did not say that. The wording of the Statement of Objects and Reasons was vague on this subject. The Minister has now stated that only when the State Control Boards do not act upon the directions of the Central Board, the Central Board will take over. *(Interruptions)*.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): You are satisfied now.

SHRI Z. R. ANSARI : These are the salient features. I hope that the hon. Members will give their unanimous support to this Amendment Bill. Thank you.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : The question is :

"That the Bill further to amend the Water (Prevention and Control of Pollution) Act, 1974, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI JAGDISH DESAI) : We shall now take up the clause by clause consideration of the Bill.

Clause 2 to 28 were added to the Bill.

Clause 1, the Enacting Formula, the Preamble and the Title were added to the Bill.

SHRI Z. R. ANSARI : I move :

"That the Bill be passed."

The question was put and the motion was adopted.

SHRI GHULAM RASOOL MATTO : Mr. Vice-Chairman, there is a small point. This is with regard to the business of the House. The Opposition is absent. I do not think that we should consider the item regarding the Public Service Commission.

THE VICE-CHAIRMAN (SHRI JAGDISH DESAI) : No. We are not taking up that.

STATE OF ARUNACHAL PRADESH (AMENDMENT) BILL, 1988

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SANTOSH MOHAN DEV) : Sir, I move :

"That the Bill further to amend the State of Arunachal Pradesh Act, 1986, as passed by the Lok Sabha, be taken into consideration."

The Bill seeks to provide for sixty seats in the Arunachal Pradesh Legislative Assembly by amending section 10 of the State of Arunachal Pradesh Act, 1986. Section 10 of that Act provides that the total number of seats in the Legislative Assembly of the State of Arunachal Pradesh will be forty. The Act further provides that until the Legislative Assembly of the State of Arunachal Pradesh has been duly constituted there shall be a provisional Legislative Assembly of 33 Members (30 elected members of the Legislative Assembly of the erstwhile Union Territory of Arunachal Pradesh and three nominated members of the Assembly).

When the State of Arunachal Pradesh Bill, 1986 was considered by Parliament, Members of this august House suggested that the strength of the Arunachal Pradesh Legislative Assembly should be sixty which is the minimum number provided under the Constitution. Again when the State of Arunachal Pradesh Amendment Bill, 1987 was discussed in Parliament during the Budget Session of 1987, the demand to raise the strength of the Legislative Assembly of Arunachal Pradesh was made. In addition, the Chief Minister of Arunachal Pradesh has been pressing for raising the strength of the Legislative Assembly from 40 to 60. Accordingly, we have carefully considered the matter. Given the size of the State of Arunachal Pradesh and the thin distribution of the population, there is adequate justification for raising the number of seats in the Legislative Assembly from forty to sixty. We have therefore brought forward the proposed amendment in order to fulfil the aspirations of the people of Arunachal Pradesh.

[The Deputy Chairman in the Chair]

At present, in the provisional Legislative Assembly of Arunachal Pradesh, all the 33 seats including the three nominated are held by the members of the Scheduled Tribes of Arunachal Pradesh. The Constitution (Fifty-Seventh Amendment) Act, 1987, provides that if all the seats in the Legislative Assembly of such State in existence on the date of coming into force of the Constitution (Fifty-Seventh Amendment) Act, 1987 are held by the members of the Scheduled Tribes, all the seats except one shall be reserved for the Scheduled Tribes in the Legislative Assembly of any